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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,817	04/26/2002	Helmut Gross	QUE04 P-309	8141
277	7590	06/23/2004	EXAMINER	
PRICE HENEVELD COOPER DEWITT & LITTON, LLP 695 KENMOOR, S.E. P O BOX 2567 GRAND RAPIDS, MI 49501			ALIE, GHASSEM	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/031,817	Applicant(s) GROSS ET AL.	
	Examiner Ghassem Alie	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 and 29 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31 is/are allowed.
- 6) ☐ Claim(s) 15, 25 and 30 is/are rejected.
- 7) ☒ Claim(s) 16-24 and 26-28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15, 25, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Maschinot (3,741,057). Regarding claims 15 and 30, Maschinot teaches a device for die-cutting a stack of sheet materials including a punch platen 17. Maschinot also teaches a cutting-die that is also hollow since a stack of labels is forced by the ram through the cutting die. See col. 2, lines 1-11. Maschinot also teaches a frame for receiving and retaining the die-cutting blade, wherein the die-cutting blade is adjustable relative to the frame 30. The chuck jaws 30, brackets that are positioned between the screws 31 and the chuck jaws 30, and adjustable screws 31 define the frame, which is a segmented. Maschinot also teaches a receiving apparatus 20, 29 adjustably mounted to the punch platen 17, wherein the receiving apparatus receives 20, 29 and retains the frame. The guides 29 and plate 20 define the receiving apparatus. The receiving apparatus is also adjustable relative to the punch platen 17 by clamps 24. The jaw chucks 30 of the frame are received within the guides 29 of the receiving apparatus 29. The die cutter is adjustable relative to the frame, since brackets of the frame are stationary relative to the movement of the die cutter. Maschinot also teaches a cylinder 29 including a movable ram 38 for engaging stacks of sheet materials and pressing the sheet materials into the die-cutter blade wherein initial position of the punch plate is maintained with respect to the cylinder 39 during the operation of the moveable ram 38.

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Maschinot also teaches that the frame is received by the receiving apparatus 20, 29 in a direction that is perpendicular to the motion of the movable ram 38. See Figs. 1-4 and col. 2, lines 1-67 in Maschinot.

Regarding claim 25, Maschinot also teaches that the clamping the frame 29 has an adjusting element for facilitating alignment of a knife-edge of portion of the die-cutting blade with respect to the frame. The clamps 31, 32 adjust the cutting edge of the die-cutting blade relative to the frame. See Fig. 4 in Maschinot.

Allowable Subject Matter

3. Claim 31 is allowed. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach that the receiving apparatus includes two adjustable parallel gibs which accept the frame as set forth in claim 30.

4. Claims 16-24 and 26-28 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach that the receiving apparatus includes two adjustable parallel gibs which accept the frame as set forth in claim 16. The prior art also fails to teach that the frame is tiltable with respect to the plane parallel to the punching plate as set forth in claim 18 and the adjustable element of the frame is an adjusting ruler as set forth in claim 26. The prior art also fails to teach a frame portion having parallel lateral legs and clamping beams, which are slideable with respect to the frame portion as set forth in claims 27 and 28.

Response to Amendment

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5. Applicant's arguments filed on 03/19/04 have been fully considered but they are not persuasive. Applicant's arguments that Maschinot does not teach a frame having and a receiving which receives and retains the frame is not persuasive. Maschinot teaches a receiving apparatus 20, 29 adjustably mounted to the punch platen 17, wherein the receiving apparatus receives 20, 29 and retains the frame. The guides 29 and plate 20 define the receiving apparatus. The chuck jaws 30, brackets that are positioned between the screws 31 and the chuck jaws 30, and adjustable screws 31 define the frame, which is segmented. The jaw chucks 30 of the frame are received within the guides 29 of the receiving apparatus 29. The die cutter is adjustable relative to the frame, since brackets of the frame are stationary relative to the movement of the die cutter.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gaither et al. (3,113,515) and Schnell et al. (5,715,725) teach a teach a frame for receiving and retaining the die-cutting blade.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (703) 305-4981.

The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (703) 305-1082. The fax phone numbers for the


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organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9302 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

GA/ga

June 16, 2004


Allan N. Shoap
Supervisory Patent Examiner
Group 3700